

FILED

MAR 17 2011

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL JORDAN SMITH,

Defendant.

No. CR 10-00921 PJH (DMR)

No. CR 4-11-70234-MAG (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Gabriel Jordan Smith is charged in an indictment filed in the Northern District of California (No. CR 10-00921 PJH) with armed bank robbery in violation of 18 U.S.C. §§2113(a) & (d). He is also charged in an indictment filed in the Eastern District of California (No. CR 4-11-70234 MAG) with armed bank robbery in violation of 18 U.S.C. §§2113(a) and (d). On March 9, 2011, the United States moved for Mr. Smith's detention on both indictments and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Defendant did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. The detention hearing, originally scheduled for March 14, 2011, was continued to March

DETENTION ORDER  
CR 10-00921 PJH (DMR)  
CR 4-11-70234 MAG (DMR)

cc Copy to parties via ECF, Nichole, Pref. Svs., & certified copies to US Marshall

1 17, 2011 at the request of defense counsel. At the March 17, 2011 hearing before this Court,  
2 Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18  
3 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of  
4 counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present  
5 information by proffer or otherwise), but he retained his right to raise any additional relevant  
6 information at a later hearing.

7 After considering the limited information available to the Court, and the factors set forth  
8 in 18 U.S.C. § 3142(g), the Court detains Mr. Smith as a serious risk of flight and finds that no  
9 condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
10 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
11 1403, 1406 (9th Cir. 1985).

## 12 II. CONCLUSION

13 The Court detains Mr. Smith. Because Defendant waived his right to present information  
14 under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the  
15 Court orders that the hearing may be reopened at Defendant's request at any future time.

16 Mr. Smith shall remain committed to the custody of the Attorney General.

17 IT IS SO ORDERED.

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20 DATED: March 17, 2011



21 DONNA M. RYU  
22 United States Magistrate Judge  
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